

REMARKS

In the Office Action mailed April 18, 2007 the Examiner noted that claims 1-32 were pending, that claims 5-12, 18-22, 25, 26, and 30-32 have been withdrawn from consideration, and rejected claims 1-4, 13-17, 23-24, and 27-29. Claims 1, 3, 14, 23, 24 and 27-29 have been amended, new claims 33 and 34 have been added and, thus, in view of the forgoing claims 1-4, 13-17, 23-24, 27-29, 33 and 34 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

In the Office Action, the Examiner rejected claims 1-4, 13-17, 23, 24, and 27-29 under 35 U.S.C. section 112 paragraph 2 as indefinite. The claims have been amended in consideration of the Examiner's comments and it is submitted they satisfy the requirements of the statute. If additional concerns with the claims arise, the Examiner is invited to telephone to resolve the same. Suggestions by the Examiner are also welcome. Withdrawal of the rejection is requested.

On page 2 of the Action, the Examiner rejected claims 3, 4, 13-17 and 24 under 35 U.S.C. section 112, paragraph 1 for failure to provide an enabling disclosure. The claims have been amended to address this issue. Withdrawal of the rejection is requested.

On page 5 the Examiner issued a provisional obviousness double patenting rejection of claims 1-4, 13 and 27-29 over claim 4, 5 and 25 of US serial no. 10/787,137. This rejection is respectfully traversed as being premature.

Page 3 of the Office Action rejects claims 1-4, 13-17 and 27-29 under 35 U.S.C. § 103 over Salomaa.

Salomaa is directed to a system that monitors a light signal using a tunable filter to detect peaks in the power spectrum of the light to determine what wavelengths are contained in the signal. This peak detection is done by automatically and constantly changing the frequency (scanning) across the spectrum of the light signal from the minimum frequency of the filter to the maximum and, thus, does not require a designation of what frequency to scan.

In contrast, the invention of claim 1 is extracting ("extract") a particular known, desired or designated wavelength of light from a wavelength division multiplexed signal and is designed to avoid a false detection or false extraction of the wrong signal. As a result, operation of the control unit involves both "a detected result" and a "control signal applied to the optical tunable filter for extracting each multiplexed signal light" which "is known for each signal light by the detected result".

Claim 3 goes even further and emphasizes the "control signal ... is computed by interpolation" and so that "a wrong extraction of a signal with a different wavelength is avoided when extracting a signal with a desired wavelength"

Claims 23, 24, and 27-29 emphasize a similar feature to claim 1.

It is submitted that the independent claims distinguish over the prior art and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. For example, claim 13 emphasizes the advance determination of a wavelength to extract when no wavelength is designated. It is submitted that the dependent claims are independently patentable over the prior art.

New claims 33 and 34 emphasize the extraction of a designated signal. Nothing in the prior art teaches or suggests such. It is submitted that these new claims, which are different and not narrower than prior filed claims, distinguishes over the prior art.

It is submitted that the claims satisfy the requirements of 35 U.S.C. 112. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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